IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ANULI NABO,	§	
Plaintiff,	§	
	§	
V.	§	CASE NO
	§	
TEXAS SOUTHERN UNIVERSITY	§	
COLLEGE OF PHARMACY AND	§	
HEATLH SCIENCES and DR.	§	
BARBARA E. HAYES, DEAN,	§	
Defendants.	§	

NOTICE OF REMOVAL

NOW COME Defendants Texas Southern University College of Pharmacy and Health Sciences ("TSU") and Dr. Barbara E. Hayes, Dean, and respectfully show that:

- Petition, Plaintiff alleges that she has been deprived of his "rights to due process" and that Defendants' actions were "capricious, arbitrary, and or prejudiced." (Orig. Pet. at pp. 3-4.) As confirmed by Plaintiff's counsel, Plaintiff's is asserting a due process claim under to the Fourteenth Amendment of the United States Constitution. (Exh. 1, Gibson Decl. ¶ 3.)
- 2. <u>State Action</u>: This action was filed in the 281st Judicial District Court of Harris County, Texas, on June 3, 2010, Cause No. 2010-34702. Plaintiff is Anuli Nabo, a former student in the pharmacy program at TSU. Venue is proper in the United States District Court for the Southern District of Texas, Houston Division.

- 3. Nature of the Lawsuit: Plaintiff alleges that she was dismissed from the TSU pharmacy program for academic reasons and that Defendants' actions in dismissing her violated her due process rights. Plaintiff seeks both declaratory and injunctive relief.
- 4. **Jury Demand:** Plaintiff has not requested a trial by jury in her Original Petition.
- 5. Removal Requirements of 28 U.S.C. §1441: Plaintiff's allegations regarding violation of his due process rights guaranteed by the Fourteenth Amendment raise federal questions.
- 7. <u>Compliance with Deadline</u>: Defendants received notice of the suit on or about June 4, 2010. On June 16, 2010, Plaintiff's counsel confirmed that Plaintiff is asserting claims under the United States Constitution. Defendants have 30 days in which to remove. Therefore, this removal is timely.
- 8. **State Court Pleadings:** A true and correct copy of all process and pleadings served upon Defendants in the state court action is being filed with this notice as required by 28 U.S.C. §1446(a).

ACCORDINGLY, Defendants pray that this cause be removed to the United States

District Court Southern District of Texas, Houston Division, pursuant to Section 1441 of Title 28 of the United States Code.

Dated: July 1, 2010 Respectfully submitted,

GREG ABBOTT Attorney General of Texas

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First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE Chief, General Litigation Division

/s/ Darren G. Gibson_

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent *via U.S. certified mail, return receipt requested,* on July 1, 2010, to:

Don R. Caggins, Sr. 2030 North Loop West Suite 285 Houston, Texas 77018 Attorney for Plaintiff

/s/ Darren G. Gibson_

DARREN G. GIBSON Assistant Attorney General